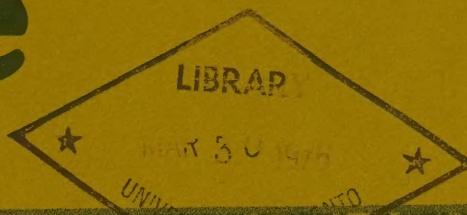


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# Guidelines for official plan policies on public open space (parkland)

## The legislation

On December 17, 1973, an amendment was passed by the Ontario Legislature to Section 35 of the Planning Act allowing municipalities: (a) to immediately require 5 per cent dedication of land, or cash in lieu of such land, for park purposes in connection with development or redevelopment proposals, in addition to the already existing provisions as they relate to proposed plans of subdivision, and (b) subsequent to submitting and receiving ministerial approval of appropriate official plan policies, to relate parkland dedication to the density of residential development, rather than simply a percentage of the actual land area under development. The amendment is as follows ("minister refers to the Minister of Housing):

**1. Conveyance of land for park purposes**—As a condition of development or redevelopment of land for residential purposes, the council of a municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding 5 per cent of the land proposed for development or redevelopment be conveyed to the municipality for park purposes.

**2. Interpretation**—For the purposes of subsection 3, "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals.

**3. Alternative requirement**—Subject to subsection 4, as an alternative to requiring the conveyance provided for in subsection 1, the by-law may require that land be conveyed to the municipality for park purposes at a rate of one acre for each 120 dwelling units proposed or at such lesser rate as may be specified in the by-law.

**4. Official plan requirement**—The alternative requirement authorized by subsection 3 may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains provisions relating to the provision of lands for park purposes, which provisions have been approved by the minister subsequent to the coming into force of this section.

**5. Use and sale of land**—Land conveyed to a municipality under this section shall be used for park purposes or such other public purposes as are approved by the minister, but may be sold with the approval of the minister within a period of five years from the date of the conveyance thereof to the municipality and may, after such period, be sold without approval of the minister.

**6. Cash payment in lieu of conveyance**—The council of a municipality may accept money to the value of any land required to be conveyed under this section in lieu of such conveyance and the provisions of subsection 11 of section 33 apply mutatis mutandis to all moneys so accepted.

**7. Lands to which by-law not applicable**—A by-law passed under this section is not applicable to land that is within a plan of subdivision approved under section 33 if land in the plan was conveyed to the municipality for park or public purposes pursuant to a condition imposed by the minister or a payment in lieu of such conveyance was accepted by the municipality.

The legislation requires that before the density provision can be applied by a municipality, adequate official plan policies be first developed and approved by the minister. The purpose of this document is to present a set of guidelines for the development of such official plan policies.

## Guidelines in preparing park policies

Acknowledging that it is desirable to provide parks in relation to population characteristics and need, the province, in amending The Planning Act, has adopted a philosophy of setting an upper limit to the amount of parkland that a municipality can require through dedication and within that limit allowing a municipality to set its own standards in relation to clearly demonstrated needs. It must be stressed, however, that the minister must be satisfied that the standards selected, particularly in the central city and redevelopment areas, are reasonable and attainable and are not set extremely high to purposely discourage development.

The following pages present a set of guidelines for the development of such official plan policies. The overall approach recommended is consistent with the planning process outlined in the booklet Guidelines for Public Recreation Facility Standards (Sept. 1973) published by the sports and recreation branch of the Ministry of Community and Social Services.

## Steps in preparing a parks plan

**Inventory and analysis**—To develop a co-ordinated policy for open space development within the context of an official plan, an inventory and analysis of present open space facilities is needed.

The following information should be obtained in the inventory stage:

- Location, size and function of all existing parks and playgrounds (public and private). A map is desirable.
- Location, size and function of all other open spaces (public and private) that may not necessarily be considered as parks but might ultimately serve some useful "open space" or "park" purpose. e.g. Niagara Escarpment lands, hydro land, swamps, gravel pits. A map is desirable.
- Location, size and function of recreational facilities (public and private) not contained in a park. e.g. municipal arenas, swimming pools in existing apartments, etc.
- A hierarchical classification of parks and playgrounds. e.g. tot lot, neighborhood park, community park, etc. The basis of this hierarchical structure should be clearly stated.
- Based on this information—an approximate indication of the areas and number of people served both adequately and inadequately at the present time.
- Based on this information and policies and projections in the official plan at the present, an indication of how the park needs of the future will alter if the official plan is implemented in its present form.

The character and amount of open space required in each neighborhood and community will be determined by a number of considerations, some of the more important being:

**Density of population**—open space facilities are essential within a high density residential area but the nature and amount of such space may be different from single family, low density areas.

**Characteristics of population**—areas where the population is composed of a high percentage of adult households will have different needs to areas where family units predominate. Also, the presence of various ethnic groups in a community might necessitate a demand for different types of recreational areas. e.g. soccer fields.

**Income range**—lower income areas will probably have a higher dependency on local parks for meeting recreational needs than upper income areas where recreational demands may partially be met elsewhere.

**Location**—central areas of large municipalities may require different types and amounts of open space than suburban areas. Similarly, a municipality in Southern Ontario may have different demands and needs than a municipality in Northern Ontario.

**Nature of buildings**—where developers are providing on-site open space and recreational facilities such as swimming pools, squash courts, playgrounds, etc. the requirement for providing parkland or cash in lieu thereof may be considerably reduced.

#### Total park system

To utilize the new density provision, the local parks provisions in the official plan must also relate to open space facilities at the city-wide (major sports fields), metropolitan or regional (valleys, major ravines) level. Provision of such park facilities would normally be in addition to the neighborhood and community park programs but it is important to describe local facilities in terms of the total network of open space provisions for the area under study.

#### Public participation

An understanding of people's perceived needs or aspirations is also important; hence, meaningful and continuous citizen participation should be considered an integral part of both the study and policy formulating phases of the plan.

There would not appear to be one best and proven method or formula for engendering citizen participation in every municipality. Therefore, it is not the intent of this guideline to set down specifically how citizen participation might be maximized for the purposes of establishing a rational parks policy. The important point is that continuous and constructive citizen participation could be a potent force in achieving a realistic parks and open space plan. (If more guidance on public participation in the planning process is required please contact the Plans Administration Division.) The final parks plan should, however, identify (in the Basis section) the manner in which the citizens were involved.

**Goals and objectives**—Once the analysis is completed and local park deficiencies are defined by type, location and range of facilities, the development of goals and objectives can be undertaken. Meaningful goals result only from the interaction of politicians, planners and residents. It may well be that goals and objectives within the same municipality could differ from area to area therefore, in defining goals, a municipality should try to identify its aspirations concerning the provision of public open space.

The identification of goals subsequently requires their more specific interpretation and the definition of objectives to achieve the goals. Such objectives will involve the use of operational measures or criteria including standards. Where a goal may state that "the municipality wishes to provide all residential areas with equal accessibility to a given standard of public open space", the objectives to achieve this goal should translate "equal accessibility" into specific and achievable ends that can be assessed by the residents in terms of how well council is following its plan for park facilities. An example of such an objective might be "local open space shall be within one mile of 80 per cent of the potential users, community open space within 2 miles of the same percentage of potential users".

**Formulation of policies**—The policies of the plan should be specific, action-oriented statements aimed at fulfilling expressed objectives. They should express more exact locational criteria for each neighborhood and community and the timing of its development. Policies for open space and local park facilities should be defined as precisely as possible in terms of neighborhood, community and city-wide requirements so that development or redevelopment applications can be assessed against clearly stated criteria. Consequently, policy should relate to:

**Economic constraints**—what financial constraints exist that affect the level of recreational facilities that can be achieved within the time frame of the plan for each neighborhood and community? How will public spending be phased over the period of the plan to supplement parkland obtained through development or redevelopment?

\***Physical site considerations**—what topographical and natural features (i.e. flat, rolling, vegetation, etc.) should be weighed when choosing property for different open space uses?

\***Locational considerations**—what should the relationship of each park facility be to the population it is to serve and to other uses (e.g. schools, community centres) within the neighborhood or community?

\***Functional and design considerations**—what is the appropriate size, dimensions, etc. for each local park or open space area?

- what will be provided within each open space area and how does it relate to the population served?
- what particular policies should be expressed concerning privately owned open space areas?
- what design criteria should be followed in providing open space when an area is developed or redeveloped?
- when will each open space use be made available, i.e. priorities?

\*Resource people and publications are available in the sports and recreation branch of the Ministry of Community and Social Services to assist your municipality in formulating policies under these categories. Head office is located at 400 University Ave., 23rd Floor, Toronto, Ontario or call 965-2625 and ask for D. L. Minshall, supervisor of recreation programs. Regional offices are listed on the last page of the booklet Guidelines for Public Recreation Facility Standards.

Policies might also concern co-operation between citizens, school boards, municipal staff and private agencies in administering and implementing the program. Where policy involves such co-ordination it should be specific as to what form this will take, e.g. money, physical assistance, staff advice, etc. Provision should clearly be made for the evaluation of policy to determine how well it is being fulfilled.

Since policy statements for local park needs should be related to individual sub-areas it is conceivable that policy formulation could evolve in stages covering one community of the municipality at a time, dealing possibly with newly developing areas first and then progressing towards reassessing policies for areas of redevelopment.

Official plan policies must be based on what can practically be achieved over the period of the plan. Although policy and objectives should attempt to reflect demand for public open space, circumstances in some neighborhoods and communities may not permit objectives to be completely met. Achieving optimum standards will be limited by the cost of land and the availability of suitable sites in areas that are, or will be, redeveloped and in developed stable areas where inadequate open space already is evident.

Municipal financial resources available for open space must therefore be closely related to park policies expressed in the official plan which should specifically indicate, for example, the conditions under which cash payments in lieu of dedication will be required, and the areas in which such dedications or payments will be supplemented by municipal expenditures.

For example, a developer may own or is only able to purchase a small block of land within a neighborhood. To require a dedication of land under such circumstances would result in a very small plot which would likely be of little use for active recreation, isolated from the proposed park system, difficult and expensive to maintain, and a potential nuisance to adjacent owners.

When confronted with this type of situation, cash in lieu of land could be more beneficial to a municipality provided:

- That an accurate estimate is made of what the market value of the developer's parkland contribution is.
- That such monies be used either to purchase property designated as being within the proposed park system for that particular neighborhood or community or to develop the park areas already existing.
- That such monies be used as soon as possible.

Standards and priorities must therefore be based on common sense, accurate information and a clear understanding of actual needs. In some neighborhoods perhaps only a minimum amount of park space can be achieved. Policy should state this. Where higher standards than those available under the Planning Amendment Act are sought, other sources will have to be found, such as municipal funds allocated for local park purposes, donations, gifts and bequests of land and/or monies from private agencies or citizens. Policy should deal with the use of such sources as they become available.

## The process and the product

While indicating the nature of the official plan amendment needed to enable a municipality to use the new density provisions of Section 35b of The Planning Act, it should be recognized that variations in detail will be considered depending upon the size and complexity of the municipality.

In smaller centres, policies dealing with redevelopment areas will be much less complex than in larger urban centres where both redevelopment pressure and densities are higher. Nor will there be as many identifiable sub-areas in smaller municipalities. Possibly only two levels of open space need identification, i.e. neighborhood and city-wide. Thus, the number of factors to be weighed in determining local needs will be fewer.

However, in reviewing a municipality's proposed policies the minister should generally be satisfied about the following points:

- The policies must be based on a sound understanding of present facilities.
- In municipalities where identifiable neighborhoods can be defined, policies and standards must be related specifically to the needs of such areas.
- The actual designation in a defined area must clearly be shown to be attainable in practical terms and must take into account privately provided recreational facilities where these meet at least some of the needs of an area's residents.
- Policies for the provision of local park areas must be related to a total program of city-wide park needs.
- Guidance should be provided in the use of cash in lieu payments as a substitute for dedication of land, together with policy statements on the use of such funds.

